

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 28

September 28, 2010

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON SEPTEMBER 28, 2010

SUBJECT: CLASSIFICATION AND INVESTIGATION OF HEAD STRIKES - REVISED

EFFECTIVE: IMMEDIATELY

PURPOSE: The protocols for the classification and investigation of head strikes are revised to ensure the appropriate level of investigation occurs for head strike incidents, taking into account the intent of the officer using the force, the nature of the actual contact and the degree of resulting injury. Accordingly, this Order reserves the existing Categorical Use of Force (CUOF) investigation and adjudication process for those incidents the Department believes warrant the resource-intensive investigation that the process provides. It is the belief of the Board of Police Commissioners that the same level of resources need not be devoted to those clearly unintentional head strikes (such as incidental brushes with an object) that do not result in serious bodily injury, hospitalization or death.

**Note:** Serious bodily injury, as defined in California Penal Code Section 243(f)(4), includes, but is not limited to, the following:

- \* Loss of consciousness;
- \* Concussion;
- \* Bone fracture;
- \* Protracted loss or impairment of function of any bodily member or organ;
- \* A wound requiring extensive suturing; and,
- \* Serious disfigurement.

In such instances where an unintentional head strike does not result in serious bodily injury, hospitalization or death, an appropriate investigation and adjudication can be completed by Department personnel responsible for investigating and adjudicating Non-Categorical Use of Force (NCUOF) incidents. It is the responsibility of the Commanding Officer (C/O), Force Investigation Division (FID), to determine if a head strike incident will be handled as a CUOF or a Level I NCUOF investigation.

This Order supersedes Special Order No. 6, *Classification and Investigation of Head Strikes*, dated April 6, 2010, and reclassifies any head strike involving serious bodily injury as a CUOF. Additionally, this Order clarifies the field supervisor's responsibilities at incidents involving a head strike. Once a field supervisor determines a head strike occurred, he/she shall notify the watch commander and handle the incident as a CUOF until the final determination is made by the C/O, FID, whether the incident will be handled as a CUOF or a Level I NCUOF.

**PROCEDURE:** Attached are the revised Department Manual sections regarding CUOF and NCUOF incidents, with the revisions indicated in italics. These revisions redefine CUOF and NCUOF incidents relative to head strikes and the related investigative responsibilities.

The definition of a CUOF is revised to include all intentional head strikes with an impact weapon or device (e.g., baton, flashlight, etc.) and all unintentional (inadvertent or accidental) head strikes that result in *serious bodily injury*, hospitalization or death. All other unintentional head strikes shall be investigated as Level I NCUOF incidents.

A field supervisor responding to a use of force involving a head strike incident shall determine if a head strike occurred. The field supervisor shall handle the incident as a CUOF until a final determination is made by the C/O, FID, as to whether the incident will be handled as a CUOF or a Level I NCUOF. The field supervisor shall notify the watch commander regarding the facts and circumstances. The responding FID supervisor shall conduct an assessment of the incident and provide the facts and circumstances of the incident to the C/O, FID. The C/O, FID, shall make the final determination if the incident will be handled as a CUOF or Level I NCUOF and ensure that the watch commander is advised of the decision.

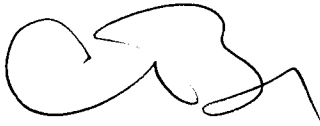
**Note:** The C/O, FID, may direct a CUOF investigation for a head strike incident that meets the criteria for a Level I NCUOF.

**AMENDMENTS:** This Order amends Department Manual Sections 3/794.10, 3/794.12, and 4/245.05.

**MONITORING RESPONSIBILITY:** The Commanding Officer, Professional Standards Bureau, shall have monitoring responsibility for this directive.

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**AUDIT RESPONSIBILITY:** The Commanding Officer, Internal Audits and Inspections Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.

A handwritten signature in black ink, appearing to be 'C. Beck', with a stylized, looping design.

CHARLIE BECK  
Chief of Police

Attachment

DISTRIBUTION "D"

**3/794.10 FORCE INVESTIGATION DIVISION (FID), PROFESSIONAL STANDARDS BUREAU.** Force Investigation Division is responsible for investigating all aspects of CUOF incidents and any other investigation at the direction of the Chief of Police (COP). A CUOF is defined as:

- An incident involving the use of deadly force (e.g., discharge of a firearm) by a Department employee;
- All uses of an upper body control hold by a Department employee, including the use of a modified carotid, full carotid or locked carotid hold;
- All deaths while the arrestee or detainee is in the custodial care of the Department (also known as an In-Custody Death or ICD);
- A use of force incident resulting in death;
- A use of force incident resulting in an injury requiring hospitalization, commonly referred to as a law enforcement related injury or LERI;
- All intentional head strikes with an impact weapon or device (e.g., baton, flashlight, etc.) and *all* unintentional (*inadvertent or accidental*) head strikes that result in *serious bodily injury*, hospitalization or death;

**Note:** *Serious bodily injury, as defined in California Penal Code Section 243(f)(4), includes, but is not limited to, the following:*

- \* *Loss of consciousness;*
- \* *Concussion;*
- \* *Bone fracture;*
- \* *Protracted loss or impairment of function of any bodily member or organ;*
- \* *A wound requiring extensive suturing; and,*
- \* *Serious disfigurement.*

*All other unintentional head strikes shall be investigated as Level I NCUOF incidents.*

- An incident in which a member of the public has contact with a Department canine and hospitalization is required. Under Department policy, a canine contact is not a use of force but has been included in this category to satisfy the provisions of the Consent Decree; and,
- Incidents where the Department has agreed to conduct similar critical incident investigations for a non-Department entity, such as a Los Angeles Fire Department Arson Unit.

When an animal shooting and/or non-tactical accidental or negligent discharge of a firearm occurs, Area/divisional personnel shall notify FID and Real-Time Analysis and Critical Response Division (RACR). Unless unusual circumstances exist, chain of command supervisors from the involved officer's Area/division will be directed to conduct the investigation.

**3/794.12 USE OF FORCE INVESTIGATIONS INVOLVING HEAD STRIKES.** Upon responding to a use of force incident involving a head strike, the investigating supervisor shall presume that a CUOF has occurred. The investigating supervisor shall follow all CUOF protocols until the *Commanding Officer, FID, determines if the incident will be handled as a CUOF or a Level I NCUOF incident.*

The following additional protocols shall be followed for incidents involving head strikes:

- The assigned field supervisor shall determine whether a head strike *occurred* through a *preliminary* assessment of the facts and circumstances. *The field supervisor shall handle any incident involving a head strike as a CUOF until a determination is made by the Commanding Officer, FID;*
- The assigned field supervisor shall ensure that a rescue ambulance is requested to treat and/or evaluate the subject(s) involved;
- The assigned field supervisor shall notify the watch commander of the Area where the incident occurred regarding the *occurrence of a head strike and provide the preliminary facts and circumstances of the incident;*
- The watch commander shall notify the on-duty Force Investigation Division (FID) supervisor via RACR and provide the facts and circumstances of the incident;
- The FID supervisor shall respond to conduct an assessment of the incident *to determine whether the head strike was intentional or unintentional* and contact the Commanding Officer, FID, to provide the facts and circumstances of the incident;
- The Commanding Officer, FID; *shall* make the final determination if the incident will be handled as a CUOF or a *Level I NCUOF* and ensure *that* the watch commander is advised of the decision; and,

*Note: The Commanding Officer, FID, may direct a CUOF investigation for a head strike incident that meets the criteria for a Level I NCUOF.*

- The watch commander shall notify the on-scene investigating supervisor whether the incident will be handled as a CUOF or a *Level I NCUOF* incident.

#### **4/245.05 REPORTABLE NON-CATEGORICAL USE OF FORCE INCIDENTS.**

**Defined.** A reportable use of force incident is classified, per the Consent Decree, as either Categorical or Non-Categorical. Categorical uses of force are outlined in *Department Manual* Section 3/794.10. All other reportable uses of force, including the discharge of a TASER, the use of a chemical irritant control device, or *all* unintentional (*inadvertent or accidental*) head strikes with an impact weapon or device which ***do not*** result in ***serious bodily injury***, hospitalization or death which have been approved to be handled as a *Level I NCUOF* by the *Commanding Officer, FID*, are classified as Non-Categorical Use of Force incidents.